

### Remarks

Reconsideration and allowance of the application are respectfully solicited.

Claims 14-17 and 21-27 are pending, with Claim 16 being independent.

Claims 14, 15, 21, 24 and 26 were withdrawn from consideration. Claims 12, 13 and 18-20 have been cancelled without prejudice or disclaimer. Claim 14 has been amended to depend from Claim 16, and Claim 16 has been amended to include the features of Claims 18, 19 and 20.

Claims 12, 13, 18, 20 and 22 were rejected under 35 U.S.C. §102(e) over U.S. Patent No. 6,061,113 (Kawata). Claims 16, 17, 19, 23, 25 and 27 were rejected under 35 U.S.C. §103(a) over Kawata. All rejections are respectfully traversed.

Claim 16 recites, inter alia, that the discotic liquid crystal is in a nematic discotic phase, the discotic liquid crystal and the rod-shaped liquid crystal are disposed in mutually separate phases, and the liquid crystal layer can be placed in an alignment state where the discotic liquid crystal and the rod-shaped liquid crystal are aligned to have alignment directors which are directed in an identical direction.

However, Applicant respectfully submits that Kawata fails to disclose or suggest the combination of the above-discussed claimed features as recited, inter alia, in Claim 16. Furthermore, as discussed in the July 14, 2003 Amendment, Kawata relates to an optical compensatory sheet. Applicant submits that if two mutually separated phases were used, the liquid crystal device of Kawata would cause light scattering and thus fail to function as an optical compensatory sheet. In addition, the assertion on page 4 of the Office Action that the mere use of voltage application means, active elements for transmitting a voltage signal, in-plane switching, and a drive means for driving the liquid

crystal device are well known to those of ordinary skill in the art of liquid crystal is respectfully traversed in the absence of a cited reference, which reference Applicant respectfully requests be provided for his review. MPEP 2144.03. It is further respectfully submitted that there has been non showing of any indication of motivation in Kawata that would lead one having ordinary skill in the art to arrive at the combination of the above-discussed claimed features.

The dependent claims are also submitted to be patentable because they set forth additional aspects of the present invention and are dependent from independent claims discussed above. Therefore, separate and individual consideration of each dependent claim is respectfully requested.

This Amendment After Final Rejection is an earnest attempt to advance prosecution and reduce the number of issues, and is believed to clearly place this application in condition for allowance. Furthermore, Applicant respectfully submits that a full appreciation of these amendments will not require undue time or effort given the Examiner's familiarity with this application. Moreover, this Amendment was not earlier presented because Applicant earnestly believed that the prior Amendment placed the subject application in condition for allowance. Accordingly, entry of this Amendment under 37 C.F.R. § 1.116 is respectfully requested.

Applicant submits that this application is in condition for allowance, and a Notice of Allowance is respectfully requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,



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